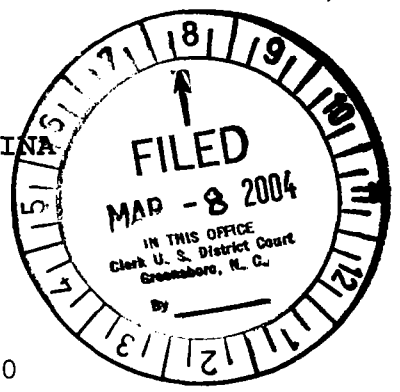


31.

D/LS

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



PATRICK MOLAMPHY,)
)
Plaintiff,)
)
v.)
)
TOWN OF SOUTHERN PINES, FRANK QUIS,)
Individually and as Mayor of the)
Town of Southern Pines, JOHN)
McINERNEY and MICHAEL HANEY,)
Individually and in their)
capacities as Town Council Members,)
KYLE SONNENBERG, Individually and)
as Town Manager and BART NUCKOLS,)
Individually and in his capacity)
as Planning Director for the Town)
of Southern Pines,)
)
Defendants.)

1:02CV00720

J U D G M E N T

Eliason, Magistrate Judge

For the reasons set out in an Order filed contemporaneously with this Judgment,

IT IS ORDERED AND ADJUDGED that plaintiff's motion to amend (docket no. 24) be, and the same hereby is, granted as to the purchase of liability insurance and otherwise denied.

IT IS FURTHER ORDERED AND ADJUDGED that plaintiff's motion for summary judgment (docket no. 9) be, and the same hereby is, granted as to his first and second claims for relief and denied as to all other claims.

IT IS FURTHER ORDERED AND ADJUDGED that defendants' motion for summary judgment (docket no. 12) be, and the same hereby is, denied

as to plaintiff's first and second claims for relief and granted as to all other claims which are dismissed.

IT IS FURTHER ORDERED AND ADJUDGED that Amendment OA-08-02, which was passed by the Southern Pines Town Council on June 11, 2002 and which bans the building of convenience stores in the Town's Highway Corridor Overlay Districts, is hereby declared null, void, and of no effect.

March **3** , 2004


United States Magistrate Judge